SAMPLE CLAIM 24:

This Claim is virtually identical to sample Claim 19 reviewed in the last Interview of December----, 2007 with Examiners Gishnock and Laneau, which received approval in concept with the words "seems to comply"....with 35 USC 101 and 112.

Minor amendments have been made herein to clarify the wording of this Claim 24 indicated by underlining additions and striking out deletions. This Claim 24 with similar minor amendments is also included in Amendment # 2 by the Applicant as recorded on June 2, 2008.

24. (CURRENTLY AMENDED) A method to define and document a structure of a cognitive architecture system of a group of twelve cognitive functions; with the group of twelve cognitive functions segmented into two column sets of the cognitive functions sharing similar attributes and characteristics; and to utilize the cognitive architecture system of the group of twelve cognitive functions to develop competence, effectiveness, and productivity of one or more individuals; with the method comprising the steps of:

(a) defining the attributes, characteristics, and purpose of each of the group of the twelve cognitive functions that are distinct modules of cognition and common to all individuals, wherein the twelve cognitive functions of the group are interactive and interdependent, and wherein the group of twelve cognitive functions comprises consist of a reality function, an imagination function, an analysis function, an intuition function, a listening function, an expressing function, a cooperation function, an independence function, a caution function, a courage function, an adaptability function, and a decisiveness function;

(b) defining the structure of the cognitive architecture system as the group of twelve cognitive functions combining to comprise consist of the group of twelve interacting and interdependent functions of cognition covering a complete spectrum of cognition, with each of the group of twelve cognitive functions being a necessary and distinct modular component of effective cognition, with the group of twelve cognitive functions working

together in a complementary way, and with each of the twelve cognitive functions providing cognitive abilities that the others lack;

(c) segmenting the ~~group of~~ twelve cognitive functions of the cognitive architecture system into the two column sets: (1) wherein a left column set of six of the <u>twelve</u> cognitive functions ~~shares~~ <u>having</u> a left-brain-style of cognition ~~comprising~~ <u>consists of</u> the reality function, the analysis function, the listening function, the cooperation function, the caution function, and the adaptability function wherein the left-brain-style of cognition is an objective, conscious, divergent, and serial processing style of cognition; and (2) wherein a right column set of six of the <u>twelve</u> cognitive functions ~~shares~~ <u>having</u> a right-brain-style of cognition ~~comprising~~ <u>consists of</u> the imagination function, the intuition function, the expressing function, the independence function, the courage function, and the decisiveness function wherein the right-brain-style of cognition is a subjective, subconscious, convergent, and parallel processing style of cognition;

(d) defining the ~~group of~~ twelve cognitive functions matched in pairs ~~of the cognitive functions~~ that are complementary and polar-opposite in style, wherein each of the left-brain-style cognitive functions is paired with one of the right-brain-style cognitive functions, wherein the reality function is paired with the imagination function, the analysis function is paired with the intuition function, the listening function is paired with the expressing function, the cooperation function is paired with the independence function, the caution function is paired with the courage function, and the adaptability function is paired with the decisiveness function;

(e) defining that the effectiveness of each of the cognitive functions in the pair is increased by using it in a complementary way with the polar-opposite cognitive function in the pair, and how each of the cognitive functions in the pair provides cognitive abilities that the other lacks;

(f) documenting the structure of the cognitive architecture system with the twelve cognitive functions matched in the pairs of the twelve cognitive functions, utilizing a document format comprising one or more of: a computer format; an electronic medium format; a video format; a paper format; a verbal format; and an audio format;

(g) utilizing the documenting of the cognitive architecture system to educate the one or more individuals about the structure of the cognitive architecture system with the ~~group of~~ twelve cognitive functions matched in the pairs of the twelve cognitive functions to develop competence, effectiveness, and productivity of the one or more individuals in utilizing each of the twelve cognitive functions;

(h) enabling the one or more individuals to determine a magnitude of preference for each of the ~~group of~~ twelve cognitive functions of an entity utilizing a preference survey instrument: (1) wherein the entity is selected from a group consisting of: (i) the one or more individuals; (ii) another individual; (iii) a group of individuals; (iv) a lifestyle activity role; (v) an employment activity; (vi) an organization; (vii) a geographic region; and (viii) a country; (2) wherein the determining of the magnitude of preference is based on knowledge of innate cognitive preferences, observed cognitive actions, and other cognitive behaviors of the entity indicating the magnitude of preference for traits related to each of the ~~group of~~ twelve cognitive functions of the entity; and (3) the preference survey instrument is provided to the one or more individuals in the document format comprising one or more of: the computer format; the electronic medium format; the video format; the paper format; the verbal format; and the audio format;

(i) enabling the one or more individuals to document a preference survey report indicating the magnitude of preference of the entity for each of the twelve cognitive functions in the document format comprising one or more of: the computer format; the electronic medium format; the video format; the paper format; the verbal format; and the audio format;

(j)   enabling the one or more individuals to develop competence, effectiveness, and productivity by utilizing the cognitive architecture system of the twelve cognitive functions, and the determining of the magnitude of preference for each of the twelve cognitive functions of the entity, for the one or more purposes of: (1) defining the entity's magnitude of preference for each of the twelve cognitive functions matched in pairs, and how the magnitude of preferences determine the entity's nature and cognitive behavior; (2) defining the strengths and weaknesses in each of the twelve cognitive functions of the entity to build on the strengths and overcome the weaknesses of the entity; (3) defining the purpose of understanding and developing better and more effective relations in working with the entity based on the entity's magnitude of preference of each of the twelve cognitive functions; (4) matching the entity with the lifestyle activity roles and the employment activities that build on the strengths and overcome the weaknesses in each of the twelve cognitive functions of the entity; (5) assisting the entity in appropriately utilizing each of the cognitive functions in a competent and skilled way in everyday real-life situations to improve effectiveness and productivity; (6) assisting the entity in selecting which of the twelve cognitive functions is most appropriate to use at a specific moment in a specific situation; and (7) assisting the entity in selecting the appropriate sequence of using each of the cognitive functions for more effective cognition to achieve a desired result.

APPLICANT'S RATIONALE FOR APPROVAL OF CLAIM 24. The Applicant respectfully submits the following rationale for approval of this sample Claim 24. Comments and suggestions from the Examiners on this rationale would be greatly appreciated. This rationale should be read in conjunction with the detailed response to individual objections of OA #2 recorded in the applicant's Amendment #2 dated June 2, 2008.

(1) **This sample claim 24 is composed of four method steps, (a), (b), (c), and (d), which the Applicant presents as novel and unobvious.** These first four steps of this Claim establish the overall novel and unobvious nature of this invention as presented in Claim 24 *"as a whole," "with all the claim limitations,"* and *"without hindsight bias."* MPEP 2141.02 states, with reference to *In re Hirao,* that the court held *"due to the admitted unobviousness of the first two steps of a claimed combination of steps, the subject matter as a whole would not have been obvious to one of ordinary skill in the art at the time the invention was made."*

   The additional method steps (e) through (j) include some novel and many conventional components to complete the overall system and method as a usable, tangible and concrete product. These additional steps (e) through (j) may individually be found in many earlier patents over the years. However, these secondary steps have been incorporated in many recent patents although they were made obvious in prior art.

(2) **Claim 24, Step (a),** *"defining the attributes, characteristics, and purpose of each of the twelve cognitive functions"* is objected to in OA #2 in Item 9(a). However, this objection is based solely on prior knowledge of the invention, and selects the twelve items out of 83 similar items from Wood to match the twelve cognitive functions of this invention.

   The finding of the twelve matching items from Wood "encompassed" within 83 similarly present items in Wood, is deemed invalid evidence of obviousness in accordance with MPEP 2144.07 which states: *"The section 103 requirement of unobviousness is no different in chemical cases than with respect to other categories of patentable inventions."* It further states: *"The fact that a claimed species or subgenus is encompassed by a prior art genus is not sufficient by itself to establish a prima facie case of obviousness."*

   Using "factorial equation" calculations, there is less than one chance in more than a

billion of selecting this specific set of twelve items out of the 83 available items from Wood without prior knowledge of this invention.

Further, this OA 32, Item 9(a), states that *"Wood broadly teaches,"* which is further evidence that Wood does not teach the selection of this exact set of twelve cognitive functions from among the many possible sets of twelve items "encompassed" in this cited Wood reference.

(3) **Claim 24, Step (b),** *"defining the structure of the cognitive architecture system,"* is objected to in OA #2, item 9(b) in a general way, without taking into account the exact twelve cognitive functions of this invention *"as a whole,"* together with the other nine steps of his invention.

The references cited from Wood refer to a broad and very general interpretation of a "cognitive architecture system," referencing words from Wood such as *"depends on which group of characteristics are chosen," "allowing for a large number of combinations of characteristics,"* and *"allows for many different personality definitions and measuring schemes."*

This objection seems to incorrectly interpret the Applicant's precise invention as a generic personality evaluation tool, and lacks the required "explicit rationale" to establish the obviousness of the precise wording of this step (b) and of Claim 24 *"as a whole,"* with the other nine steps.

(4) **Claim 24, Step(c),** *"segmenting the twelve cognitive functions of the cognitive architecture system into two column sets,"* is objected to in detail solely in OA #2, Item 10. This Item 10 starts with the words *"Wood further broadly teaches,"* and goes on to select items from Wood that, with prior knowledge of this invention, approximately match items of this invention. These items from Wood are inexact and incomplete compared to the precise components of this invention, and are "encompassed" among the many other items of Wood.

This objection does not take into account the precise selection of exactly six cognitive functions and the exact choice of the six cognitive functions of this invention in

a left-brain-style column set, nor does it take into account the precise selection of exactly six cognitive functions and the exact choice of the six cognitive functions of this invention in a right-brain-style column set.

Using "factorial equation" calculations, there is less than one chance in many millions of the selection, out of 83 available items from Wood and without prior knowledge of this invention, of the exact six cognitive functions of this invention in a left-brain-style column set, and the exact six cognitive functions of this invention in a right-brain-style column set.

(5) **Claim 24, Step (d),** *"defining the twelve cognitive functions matched in pairs,"* is objected to in detail solely in OA #2, Item 11. This Item 11 starts with: *"What Wood fails to teach is (b) defining the groups of left-brain and right-brain styles as matched in pairs."* It further states: *"Applicant has not disclosed that having the functions matched in pairs solves any problem and is for any particular purpose."* It adds: *"it would have been obvious to one of ordinary skill in the art....to have modified Wood....."*

This objection is extremely general in nature, does not take into account the precise definition of six sets of pairs, and does not anticipate the exact two cognitive functions matched in each of the six pairs of this invention. The only way that this exact set of six pairs could be established from Wood is with prior knowledge of his invention. Also, without this prior knowledge of this invention, using "factorial equation" calculations, there is less than one chance in over 3400 of the selection of each of the pairs of this invention from the 83 available items from Wood.

The major significance of the exact matching of the twelve cognitive functions into six pairs is described in the Application, Item [0072], which states *"Each function in a pair has a complementary but polar opposite attribute similar to east and west on the compass. The effectiveness of each function in a pair is increased by the way the two functions in the pair work together in a complementary and polar-opposite way, such as one hand to hold a piece of paper and the other to write a name, or first stepping on one foot and then the other to walk."*

Item [0149] of the Application adds, *"It is most appropriate to use the slower left-*

brain style function in each pair first, to prepare for the most appropriate use of the right-brain style function next." Items [0148] through [0151] of the Application provide additional details of the *"problems solved"* and the *"purpose"* of this pairing of the twelve cognitive functions into six precise sets.

The objection in this recent OA #2, Item 11, is virtually an exact repeat of the objection in the earlier OA #1, Item 11(A). OA#1, Item 11(A) was responded to in great detail in Amendment #1, Item [020], paragraphs (1) through (6), on pages 36, 37, 38, and 39. This repeated objection in OA #2, Item 11 is further responded to in Amendment #2, Item [117], paragraphs (1) through (9), on pages 34, 35, and 36.

The Applicant respectfully suggests the Examiners review the above noted pages of the Application and the two Amendments to avoid the repetition of more than seven pages of text herein.

(6) **Other Objections in OA #2.** The applicant respectfully submits that all the remaining objections raised in OA #2 relate to other individual components of the invention, or to dependent claims, and do not consider the invention *"as a whole,"* with *"all the claim limitations,"* and *"without prior hindsight."*

(7) **Objections raised by the Examiner under 2144.04 and 2144.07.** In the telephone conversation of July 21, 2008, the Examiner stated that the rationales of MPEP 2144.04 and 2144.07 were material in the conclusion of obviousness recorded in OA #2. However, this was not mentioned in OA #2.

If these articles are being used as a rationale for the conclusion of obviousness, the Applicant requests a full explanation of this rationale in accordance with MPEP 2144-I which states the *"examiner must present convincing line of reasoning supporting rejection"* with *"reliance on logic and sound scientific reasoning."*

These articles reference a number of court decisions on obviousness, but none relate directly to the unique elements of this invention considered as a whole. A conclusion of obviousness based on specific individual components of this invention being *"encompassed"* in Wood, and thus made obvious by Wood, is invalid based on

MPEP 2144.07 regarding *"encompassing"* not being valid evidence of obviousness.

The Applicant's review of the complete article 2144, and in particular the two sections mentioned, results in his respectfully submitting being unable to understand the "explicit rationale" for deeming obvious the exact twelve cognitive functions and the exact steps (a) through (d) of Claim 24. The Application Item [0043] describes the novel nature of this combination of twelve cognitive functions with the words: *"The concept of this invention is based on (a) segmenting the cognitive architecture of our innate thinking process into its unique modular components, called functions in this invention; (b) identifying the exact cognitive traits common to each cognitive function as readily observable and distinct elements of all behaviors and actions of individuals."*

The Application Item [0063] further defines the novel nature of this set of twelve cognitive functions by *"Identifying that the readily observable and distinct cognitive traits of all behaviors and actions of individuals can be attributed to one of the twelve cognitive functions, can be a subset of a specific function, or can be attributed to a combination of functions;"* This defines the words *"covering the full spectrum of cognition,"* used in various paragraphs of the Application, In accordance with MPEP 2173.05(a)-III regarding novel definitions of words.

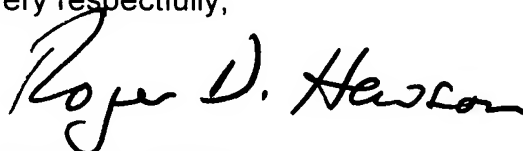(8) **The Applicant's research is entitled to fair evidentiary weight.** MPEP 716.05 states: *"the five or six years of research that preceded the claimed invention....is entitled to fair evidentiary weight."* The following is a brief summary of the documentation of research on this invention as presented in the Applicant's Declaration of December 31, 2007:

    a. *"I directly employed and supervised the hiring a total of 800 individuals in my wholly owned companies, and have been the chief executive of these companies for over 40 years."*

    b. *"My principle activity since 1994 has been developing the Cognitive Architecture System of Twelve Cognitive Functions covered by this patent application, requiring over 10,000 hours of my research and development time over the ten year period from 1994 to 2004.... and [requiring] extensive trial-and-error experimentation to find the ideal structure of this invention."*

c. *"This invention gradually evolved over this ten year period into its present structure and details...."*

d. *"This included my substantially researching and highlighting over 350 books on leadership, management, psychology and neuroscience, all of which are sorted by category and cataloged with library style reference labels in my office."*

e. *"A total of 1178 reference entries were made on an Excel spreadsheet through 2004, cataloging....[reference] articles by title, author, publisher..."* [Etc.]

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4. Conclusion. The Applicant submits this Interview Summary Record as presenting a review of the issues discussed in this July 24, 2008 interview with Examiners Mosser and Gishnock. The Applicant further requests that the substance of this interview, the evidence and explanations provided by the Applicant in the Interview Agenda, and this Interview Summary Record be considered in the pending Office Action in response to the Applicant's Amendment #2 dated June 2, 2008.

Very respectfully,

Roger D. Hewson

————————————Applicant Pro Se————————————

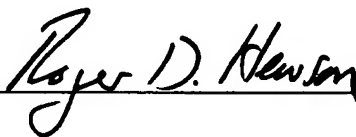Roger D. Hewson

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I hereby certify that this correspondence will be deposited with the United States Postal Service by First Class Mail, in an envelope addressed to "Mail Stop Interview Summary Record, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450," on the date below.

Inventors Signature:_____ Date: August 8. 2008